

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, May 7, 2025

APPROVED MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Lynda Hopkins, called the meeting to order at 10:29 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, CA, 94105): Chairperson Lynda Hopkins; Vice Chairperson Vicki Veenker; and Directors Ken Carlson, Brian Colbert, Noelia Corzo, Juan González III, David Haubert, Tyrone Jue, Bilal Mahmood, Gabe Quinto, Mark Salinas, Shamann Walton, and Steve Young.

Present, In-Person Satellite Location: (Office of Santa Clara County, 70 W. Hedding St., 1st Floor Conference Room, San Jose, CA 95110): Directors Margaret Abe-Koga and Otto Lee.

Present, In-Person Satellite Location: (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, CA 94530): Director John Gioia.

Present, In-Person Satellite Location: (City of San Bruno, 567 El Camino Real, Room 138, San Bruno, California, 94066): Director Rico E. Medina.

Present, In-Person Satellite Location: (Napa County Administration Building, 1195 Third Street, Suite 310, Crystal Conference Room, Napa, CA 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location: (Solano County Administration Building, 675 N. Texas St., Room A168, Fairfield, California, 94533): Director Monica Brown.

Present, In-Person Satellite Location: (Alameda County Board of Supervisors District 3, Office of Supervisor Lena Tam, 101 Callan Avenue, Suite #103, San Leandro, CA 94577): Director Lena Tam.

Present, In-Person Satellite Location: (Office of Supervisor Ray Mueller, 270 Capistrano Road, Suite 6, Half Moon Bay, California, 94019): Director Ray Mueller.

Present, In-Person Satellite Location: (Pittsburg City Hall, City Manager's Office Mayor/Council Conference Room, 301A, 65 Civic Ave., 3rd Floor, Pittsburg, California 94565): Director Dionne Adams.

Absent: Directors Brian Barnacle and Sergio Lopez.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Hopkins welcomed the following new employees: Hannah Behmaram, Staff Specialist I, in the Strategic Incentives Division; Katie Gong, Senior Air Quality Specialist, in the Rules & Strategic Policy Division; Joseph Hurley, Staff Specialist I, in the Strategic Incentives Division; and Dr. Jennifer Ofodile, Principal Air Quality Specialist, in the Meteorology and Measurement Division.

CONSENT CALENDAR (ITEMS 4 – 20)

4. Approval of the Draft Minutes of the Board of Directors Meeting of April 2, 2025
5. Board Communications Received from April 2, 2025, through May 6, 2025
6. Quarterly Report of the Executive Office and Division Activities for the Months of July 2024 - September 2024
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of March 2025
8. Personnel Out-of-State Business Travel Report for March 2025
9. Authorization for Board Members to Attend the Air District's Washington, D.C. Advocacy Trip
10. Authorization to Execute a Contract Amendment with Trinity Consultants for BioWatch Maintenance and Operations
11. Authorization to Execute Twelve Grant Agreements with James Cary Smith Community Grant Program Cycle 2 Awardees to Implement Capacity-Building Projects in Environmental Justice Communities
12. Authorization to Accept Carl Moyer Program State Reserve Funds from the California Air Resources Board
13. Authorization to Amend Contract with Nancy S. Feldman for Consulting Advice and Management Support for Enforcement Case Resolution and Litigation
14. Changes to Management Classifications
15. Transportation Fund for Clean Air 40% Fund Allocation and Expenditure Plans for Fiscal Year Ending 2026
16. Appointment of Members to the Air District's Hearing Board
17. Report of the Stationary Source Committee Meeting of April 9, 2025

18. Report of the Community Equity, Health, and Justice Committee Meeting of April 9, 2025
19. Report of the Policy, Grants, and Technology Committee Meeting of April 16, 2025
20. Report of the Finance and Administration Committee Meeting of April 16, 2025

Public Comments

Regarding Item 14 (Changes to Management Classifications), public comments were given by Kennieth McKellar, President of the Air District's Employees' Association.

Board Comments

Based on Mr. McKellar's public comments, regarding the Employees' Association's (EA) concerns about its perceived lack of transparency in the classification and compensation study, deviations from the agreed process, missing deliverables, and the District's lack of a commitment to honor the status quo while recognizing a new bargaining unit, Chair Hopkins pulled Item 14 (Changes to Management Classifications). The Board was to consider authorizing changes to the management classifications as a result of an Air District-wide, comprehensive classification study. The recommendations included adoption of new classifications, revision of existing classifications, and removal of outdated classifications.

The Board and staff discussed whether only union-represented Air District employees were affected by this item; concern over the grievance and Public Employment Relations Board (PERB) charge filed by the EA; and the Board Chair's desire to meet with the EA and Air District leadership about these concerns.

Board Action

Director Gioia made a motion, seconded by Director González, to approve Consent Calendar Items 4-13, and 15-20; and the motion **carried** by the following vote of the Board:

AYES:	Abe-Koga, Adams, Brown, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Jue, Lee, Mahmood, Medina, Mueller, Quinto, Salinas, Tam, Veenker, Walton, Young.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Barnacle, Lopez.

Director Brown made a motion to have Item 14 come back to the Board for consideration after further review by staff, but there was no second to that motion, so the Board did not vote on this motion.

Director González made a motion, seconded by Director Quinto, to approve Consent Calendar Item 14, as proposed; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Adams, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Jue, Lee, Mahmood, Medina, Mueller, Quinto, Salinas, Tam, Veenker, Walton, Young.
NOES: Brown.
ABSTAIN: None.
ABSENT: Barnacle, Lopez.

PUBLIC HEARING

21. PUBLIC HEARING TO RECEIVE TESTIMONY ON PROPOSED AMENDMENTS TO AIR DISTRICT REGULATION 3: FEES

Note: Director Adams recused herself from this item, as her employer is subject to Air District fees.

The Board of Directors held a public hearing to consider and receive testimony on proposed amendments to the Air District's fee regulation, Regulation 3.

Fred Tanaka, Engineering Manager, and Mark Gage, Principal Air Quality Engineer, gave the staff presentation *Public Hearing to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees - Proposed Fiscal Year 2025-2026 Fee Regulation Amendments*, including: outline; cost recovery background (limitations, trends, strategies); proposed fee regulation amendments; amendment impacts on large and small facilities; budget and fee regulation schedule; summary of public comments; and recommended action.

Chair Hopkins opened the public hearing.

Public Comments

Public comments were given by Bob Brown, Western States Petroleum Association; Dr. Stephen Rosenblum, Palo Alto resident; and Peter Okurowski, California Council for Environmental and Economic Balance (CCEEB).

Board Comments

The Board and staff discussed whether “gross income” refers to gross profit or revenue; the State’s law regarding cost recovery collection and caps; a desire for flexibility regarding Consumer Price Index increases; what operations Schedule F regulates; whether permitted facilities located in overburdened communities are being charged higher fees; whether invoices to facilities are itemized; cost containment (reduce costs beforehand) versus cost recovery; concern regarding the 15% fee increase proposed for so many fee schedules, whether the Air District has conducted a thorough enough analysis in potential economic impacts (local and regional); the manner in which the closure of Valero’s Benicia refinery in 2026 may affect the collection of Valero’s increased fees, and concern regarding what Air District staff who currently spend on that refinery will do after the refinery’s closure; whether language should be added to the Air District’s permitting process that would ensure that applicants receive a refund if the process is significantly delayed; whether the Air District currently has a process to audit costs to measure cost recovery; why fees for solid waste

disposal (Schedule K) have not been increasing; forecasting fees in future years; concern that the Air District is overreaching itself in fee increases; and the desire to see substantial efficiency on permitting, due to increased fees.

Chair Hopkins closed the public hearing.

Board Action

No action taken today. The Board will consider adoption of proposed amendments to Regulation 3 impacting fee schedules A, B, D, E, F, G-1 through G-5, H, K, P and W, along with other related changes, at a further public hearing scheduled for June 4, 2025.

The Board will consider adoption of proposed amendments to Regulation 3 impacting fee schedules S and V at a further public hearing scheduled for July 2, 2025.

ACTION ITEMS

22. ANNUAL REPORT, BUDGET, AND DIRECTOR APPOINTMENTS OF THE BAY AREA CLEAN AIR FOUNDATION

Dr. Minda Berbeco, and Danica Winston, (Air District staff acting) as consultants to the Clean Air Foundation, gave the presentation *Bay Area Clean Air Foundation (Foundation)*, including: Foundation background; 2024 progress and updates; 2025 Workplan; 2024 financial summary; proposed 2025 amended and 2026 Budget; Foundation Officers and Directors 2024 & 2025; and recommended action.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Haubert made a motion, seconded by Director Salinas, to **approve** the Foundation Board's Adoption of the Amended 2025 Budget and the 2026 Budget, and **reappoint** Foundation Board members Karen Schkolnick and Regan Patterson to two-year terms as Directors of the Foundation; and the motion **carried** by the following vote of the Board:

- AYES: Carlson, Colbert, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Jue, Lee, Mahmood, Medina, Mueller, Quinto, Salinas, Tam, Veenker, Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Abe-Koga, Adams, Barnacle, Brown, Lopez, Walton.

23. CONSIDERATION OF STATE LEGISLATION

Alan Abbs, Legislative Officer, gave the staff presentation *Consideration of State Legislation*, including: recommended action; Assembly Bill (AB) 674 (Conolly); AB 1106 (Rodriguez); AB 1352 (Solache); Senate Bill (SB) 69 (McNerney); AB 914 (Garcia); SB 34 (Richardson); and recap of recommended action.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the status of SB 318 (Becker) – Air pollution: stationary sources: best available control technology: indirect sources; and why staff is not recommending an “Oppose” position on AB 914 (Garcia).

Board Action

Director González made a motion, seconded by Director Salinas, to **adopt** the following positions on the following bills:

- **Support** AB 674 (Connolly) – Clean Cars 4 All Program
- **Support** AB 1106 (Rodriguez) – State Air Resources Board: regional air quality incident response program
- **Support** AB 1352 (Solache) – Community air protection programs: financial support
- **Support** SB 69 (McNerney) – Clean Cars 4 All Program
- **Work with Author on** AB 914 (Garcia) – Air pollution: indirect sources: toxic air contaminants
- **Watch** SB 34 (Richardson) – Air pollution: South Coast Air Quality Management District: mobile sources: public seaports

The motion **carried** by the following vote of the Board:

AYES:	Adams, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Hopkins, Jue, Lee, Mahmood, Medina, Quinto, Salinas, Tam, Veenker, Young.
NOES:	None.
ABSTAIN:	Mueller.
ABSENT:	Abe-Koga, Barnacle, Brown, Haubert, Lopez, Walton.

24. COMMUNITY BENEFIT FUND DISBURSEMENT PLAN

Latasha Washington, Community Advisory Council (CAC) member, gave the presentation *Community Benefit Fund Disbursement Plan*, including: recommended action; background; grant program goals; eligible applicants and projects; funding tiers; grant administration and accountability; People’s Air Grant Program (PAGP) timeline; and recommended action.

Public Comments

Public comments were given by Melinda Johnson.

Board Comments

The Board and staff discussed the Board's appreciation for the CAC's and staff's development of this proposal; the desire for local governments to be involved in the project application review process, or at least provide their input for project applications within their jurisdiction; whether it is required for cities/counties to be notified when a project is considered and/or awarded in their jurisdiction; whether public agencies are able to apply for grants themselves; and the desire to see power given over to the people by the government.

Board Action

Director Corzo made a motion, seconded by Director Mahmood, to **approve** the Community Advisory Council's recommendation of "The People's Air Grant Program" with a direct grantmaking process for the disbursement of the Community Benefit Fund in a total amount of \$3 million; and the motion **carried** by the following vote of the Board:

AYES:	Adams, Carlson, Colbert, Corzo, Gallagher, Gioia, González, Hopkins, Jue, Lee, Mahmood, Medina, Quinto, Salinas, Tam, Veenker, Young.
NOES:	None.
ABSTAIN:	Mueller.
ABSENT:	Abe-Koga, Barnacle, Brown, Haubert, Lopez, Walton.

OTHER BUSINESS

25. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public comments were given by Yvonne Eashman, Environmental Justice League.

26. **BOARD MEMBER COMMENTS**

- Director González thanked the Air District for funding the efforts of Earth Team, a non-profit organization that empowers urban youth to become environmental stewards through experiential education, skills development, and the building of community connections.
- Director Young expressed his concern regarding anticipated economic consequences due to the closure of the Valero refinery in Benicia in 2026, and asked the Air District to help protect the City of Benicia against financial losses.

27. REPORT OF THE EXECUTIVE OFFICER/AIR POLLUTION CONTROL OFFICER (APCO)

Dr. Philip M. Fine, Executive Officer/APCO, made the following announcements:

- The Community Advisory Council will be holding a retreat in San Jose on May 16 and 17 this month. The retreat will provide an opportunity to learn from Environmental Justice Community Voices and discuss Air District work that advances the CAC Environmental Justice priorities. Topics at the CAC retreat include:
 - Special segment to hear EJ Community Voices about Air Quality Concerns.
 - Roadmap to Improved Air Monitoring Programs
 - Cumulative Impacts and Permitting – Update on Advisory Council Work
 - Interactive Demo on a new Air Quality Complaint Data Web Tool
 - Notice of Violation Trends & Data-Driven Insights
 - Development of a Targeted Inspection Program and Policy
 - Air District Five-Year Rulemaking Schedule
 - Managing Community Investments
- On Monday, May 5, Valero Refining Company in Benicia had a fire at a process unit. Air District staff arrived at Valero and observed a large black plume of smoke and flames coming from inside the refinery. Visible emissions were observed to be in excess of Air District Regulation 6, Rule 1 standards. Valero informed the Air District that the fire occurred from approximately 8:45am to 10:15am. Air District staff on site confirmed the black smoke ceased at 10:15am and the Benicia Fire Department lifted the Shelter in Place at 10:48am. Staff received and responded to 10 complaints from the Benicia and Martinez communities which alleged odors and smoke related to the incident. Staff is continuing to analyze data from our air monitors and other air monitors near the refinery and along the path of the plume. Early analysis shows elevated levels of fine particulate matter, hydrogen sulfide, and alkanes. The Air District has issued three (3) notices of violation to Valero refinery for public nuisance and excess visible emissions. These violations reflect the impact of the fire on air quality and the surrounding communities. The incident report has been posted to our website on the Incidents and Advisories page.

28. CHAIRPERSON'S REPORT

Chair Hopkins made the following announcements:

- Congratulations to Supervisor Brian Barnacle (Sonoma County), on his reappointment to serve another two-year term on the Board of Directors for the Bay Area Air District, which expires April 10, 2027.
- In the context of recently proposed legislation, staff had committed to providing the full board with a comprehensive presentation on the Air District's history and programs related to wildfire mitigation through prescribed burning. Given the very full agenda today, I asked Dr. Fine to postpone the presentation until next month when we will have more time to discuss the issue. We appreciate everyone's flexibility, and I look forward to next month's item.

- Along with a number of California air districts, the Bay Area Air District is sponsoring the [California Hydrogen Leadership Summit](#), an event produced by ARCHES (California's statewide Alliance for Renewable Clean Hydrogen Energy Systems).
- The event will be held on June 3-4, 2025, at the Sheraton Grand Sacramento Hotel and feature speakers from the state legislature, air district executive officers, renewable energy leaders, sustainability leaders and others.
- Noting that June 4 is an in-person Board meeting day, I am asking if 1 or 2 Board members could attend this event on June 3rd.
- Should you have an interest in attending, please let me know immediately after this meeting.
- The May 21, 2025, Policy, Grants & Technology Committee and Finance and administration committee meetings are cancelled. The next PGTC and FAC meetings will take place on Wednesday, June 18, 2025, at 10 a.m.
- The next Board of Directors meeting will take place on Wednesday, June 4, 2025, at 10 a.m. **No remote locations will be authorized for this meeting**, due to the consideration of the adoption of the Fees and Budget, pursuant to Section Two, Board of Directors, Board of Directors Meetings, Administrative Section Code 2.6(d).
- COMMITTEE ASSIGNMENT PROCESS: I have heard that several Board members are interested in agendizing potential changes to the current Committee Assignment process. I have asked staff to agendize and bring forward some ideas at the June 18, 2025, Finance and Administration Committee meeting; (The May 21, 2025, Finance & Administration Committee meeting has been cancelled). Starting with our next Board meeting on June 4, 2025, we will be changing the order of the agenda to take our closed session items first, before we start the open session agenda. There are a couple of reasons to handle the closed session business at the beginning of the meeting: For one, it reduces the risk that we could lose a quorum and not be able to get to the important closed session matters. In addition, we have had a great deal of trouble with our remote locations not rejoining the meeting after the closed session finishes. Remote locations will be more likely to rejoin promptly if we have further substantive business to attend to, which will eliminate the wasted time that staff and Board members currently spend dealing with the logistics of remote participation. And we have been doing it this way at the Sonoma County Board of Supervisors, and it has worked very efficiently. For members of the public, we will clearly state on the agenda the time when we expect the open session business to start, and we will not start the open session items until the advertised time. That way, the public does not have to come early and wait around during the closed session in order to participate in the open session business. We will move to this model for Board meetings beginning with the next meeting in June. So please watch for the revised order of business on next month's meeting agenda.
- I extend my condolences to Director Young regarding the challenges that the City is facing, due to the impending closure of the Valero refinery in Benicia, as well as the recent fire.

29. TIME AND PLACE OF NEXT MEETING

Wednesday, June 4, 2025, at 9:00 a.m. at 375 Beale Street, San Francisco, CA 94105 (Budget Hearing prior to Board meeting at 10:00 a.m.). The meeting will be in-person for the Board members and members of the public will be able to either join in-person or via webcast.

CLOSED SESSION (1:30 p.m.)

30. CONFERENCE WITH LEGAL COUNSEL RE EXISTING LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(1))

Pursuant to Government Code Sections 54956.9(a) and (d)(1), the Board of Directors met in Closed Session with Legal Counsel to discuss the following cases:

Stephen (Rex) Sanders v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04416-RFL;

Terri Levels v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04432-RFL;

Lewis Letang v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01316-RFL;

Rochelle Henderson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01460-RFL;

Veronica Eady v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-07000-RFL; and

Vanessa Johnson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-06276-RFL.

Reportable Action: Alexander Crockett, General Counsel, had nothing to report.

31. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Conference with Labor Negotiators

Pursuant to Government Code Section 54957.6

Agency Designated Representatives:

Laura A. Izon, Atkinson, Andelson, Loya, Ruud & Romo

Hyacinth Hinojosa, Deputy Executive Officer of Finance and Administration

Lisa Baker, Director of Human Resources

Employee organization: Bay Area Air Quality Management District Employees' Association

Reportable Action: Mr. Crockett had nothing to report.

32. PUBLIC EMPLOYEE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1)

Title: General Counsel

The Board ran out of time and decided not to take up this item because members needed to leave. This item will be considered at next meeting.

OPEN SESSION (2:26 p.m.)

33. **APPROVAL OF AN AMENDMENT TO THE EMPLOYMENT AGREEMENT FOR GENERAL COUNSEL**

The Board was to consider approving an amendment to the employment agreement for General Counsel, however, due to the fact that the meeting ran long and members needed to leave, it did not take up this item. This item will be considered at next meeting.

34. **ADJOURNMENT**

The meeting was adjourned at 2:37 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards